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FILED
AUG 20 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *TM* DEPUTY

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 87 48

UNITED STATES OF AMERICA) Magistrate Case No.:
Plaintiff,)
v.) COMPLAINT FOR VIOLATION OF
Lisandro ESCALERA Saucedo) Title 8, U.S.C., Sec., 1326
Defendant.) Attempted Entry after Being
) Ordered Deported/Removed
)

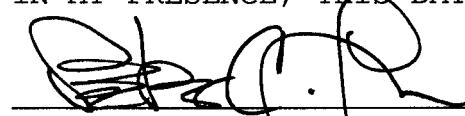
The undersigned complainant, being duly sworn, states:

On August 19, 2008, within the Southern District of California, the defendant Lisandro ESCALERA Saucedo, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e., conscious desire, to enter the United States at the Calexico Port of Entry without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts which is incorporated herein by reference.


Merced E. Hernandez, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS DATES 20TH DAY OF August, 2008.


Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Lisandro ESCALERA Saucedo

STATEMENT OF FACTS

The complainant, states that this complaint is based upon the arrest reports of the apprehending officers and the investigation report submitted by Customs Border Protection Enforcement Officer Merced E. Hernandez.

On August 19, 2008, at approximately 04:30 P.M., the defendant Lisandro ESCALERA Saucedo arrived at the Calexico Port of Entry via pedestrian primary lanes. Customs Border Protection Officer (CBPO) Isabel Kierepka inspected the defendant at the time he applied for entry into the United States. The defendant presented a valid DSP-150 laser visa card. CBPO Isabel Kierepka suspected the defendant was an imposter and thus referred the defendant to pedestrian secondary office for further inspection.

Lisandro ESCALERA Saucedo was escorted to the Port Enforcement Team office for further investigation. At the Port Enforcement Team CBP Enforcement Officer Merced E. Hernandez conducted record checks revealing prior deportation from an immigration judge. Records also revealed prior incarceration. Records confirmed that Lisandro ESCALERA Saucedo is an alien, a native and citizen of Mexico with no legal documents to enter into or be in the United States. Lisandro ESCALERA Saucedo was advised of his Miranda warnings in the Spanish language to which he said he understood and would answer questions without an attorney present.

Lisandro ESCALERA Saucedo stated that he is a citizen and native of Mexico with no legal entry documents to enter, reside, or pass through the United States. Lisandro ESCALERA Saucedo stated that he had not applied for or obtained the authorization of the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to enter the United States. Lisandro ESCALERA Saucedo admitted to being previously deported by an Immigration Judge. Lisandro

1 ESCALERA Saucedo stated that he wanted to go to Fresno, Ca. to
2 find work and see his four children.
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